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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA

JOHN MEZZALINGUA ASSOCIATES,
INC., (d/b/a PPC) a Delaware corporation,

Plaintiff,

vs.

PACE ELECTRONICS, INC. (d/b/a
PACE INTERNATIONAL), a Minnesota
corporation,

Defendant.

Case No: _____

7,118,416
COMPLAINT

JURY DEMANDED

John Mezzalingua Associates, Inc., d/b/a PPC ("PPC"), hereby complains against
defendant Pace Electronics, Inc. ("Pace"), and alleges as follows:

I. THE PARTIES

1. PPC is a corporation organized and existing under the laws of the State of Delaware, and has its principal place of business at 6176 Molloy Road, East Syracuse, New York, 13057.
2. Upon information and belief, Pace is a corporation organized and existing under the laws of the State of Minnesota and has its principal place of business at 3582 Technology Drive NW, Rochester, Minnesota, 55901.

II. JURISDICTION AND VENUE

3. This is a civil action by PPC for patent infringement committed by Pace, which arises under the patent laws of the United States, including 35 U.S.C. §§ 271, 281, 283, 284, and 285.
4. This is a civil action for misappropriation of trade dress under Sections 34, 35, 36 and 43 of the Lanham Act, Title 15 U.S.C. §§ 1116, 1117, 1118 and 1125.

SCANNED

U.S. DISTRICT COURT MPLS

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EXHIBIT A

SCANNED

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US007118416B2

(12) **United States Patent**
Montena et al.

(10) Patent No.: **US 7,118,416 B2**
(45) Date of Patent: **Oct. 10, 2006**

(54) **CABLE CONNECTOR WITH ELASTOMERIC BAND**

(75) Inventors: **Noah Montena, Syracuse, NY (US);**
Michael T. Fox, Syracuse, NY (US)

(73) Assignee: **John Mezzalana Associates, Inc.,**
East Syracuse, NY (US)

(*) Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 0 days.

(21) Appl. No.: 10/781,376

(22) Filed: Feb. 18, 2004

(65) **Prior Publication Data**
US 2005/0181652 A1 Aug. 18, 2005

(51) **Int. Cl.**
H01R 9/05 (2006.01)

(52) **U.S. Cl.** 439/584

(58) **Field of Classification Search** 439/578,
439/584, 583, 274, 275, 287, 582
See application file for complete search history.

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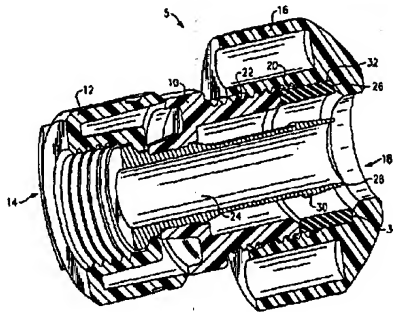
Primary Examiner—Phuong Dinh

(74) **Attorney, Agent, or Firm—Wall Marjama & Bilinski LLP**

(57) **ABSTRACT**

A connector for a coaxial cable includes a connector body and a fastening member for connecting said connector to an object such as an equipment port. A post is fitted at least partially inside the connector body for receiving a prepared end of the cable. A compression member is fitted to a back of the connector body. An elastomeric band is fitted inside a cavity formed at least in part by the compression member. Axial movement of the compression member onto said connector body causes the elastomeric band to seal an outer layer of the cable to the connector to isolate the inside of the connector from environmental influences.

21 Claims, 7 Drawing Sheets



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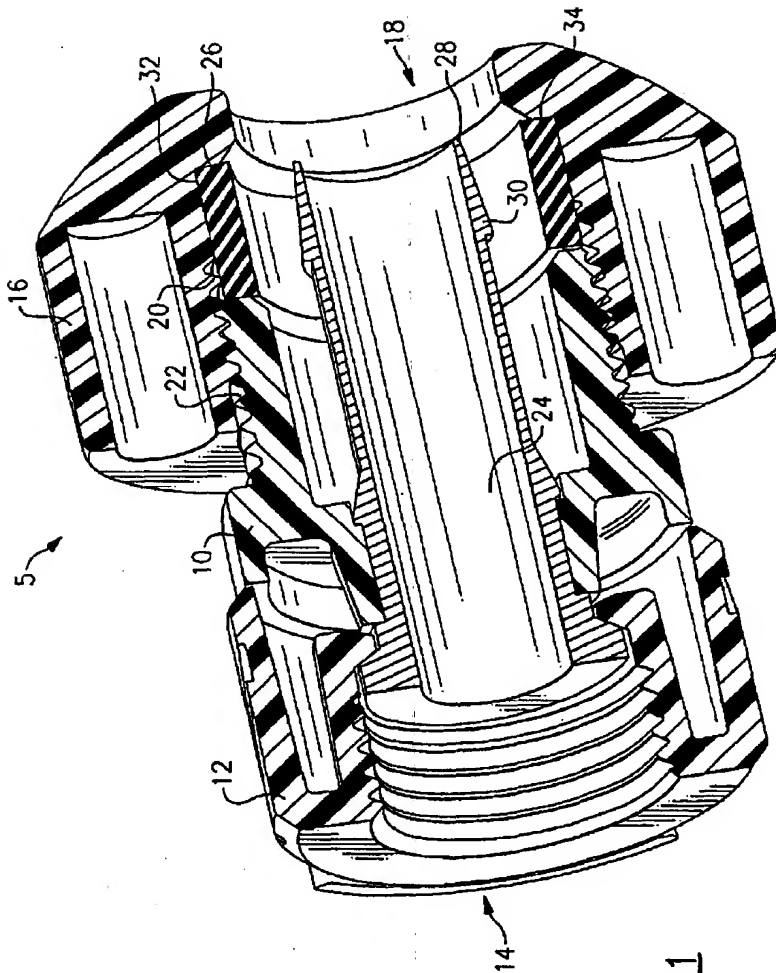


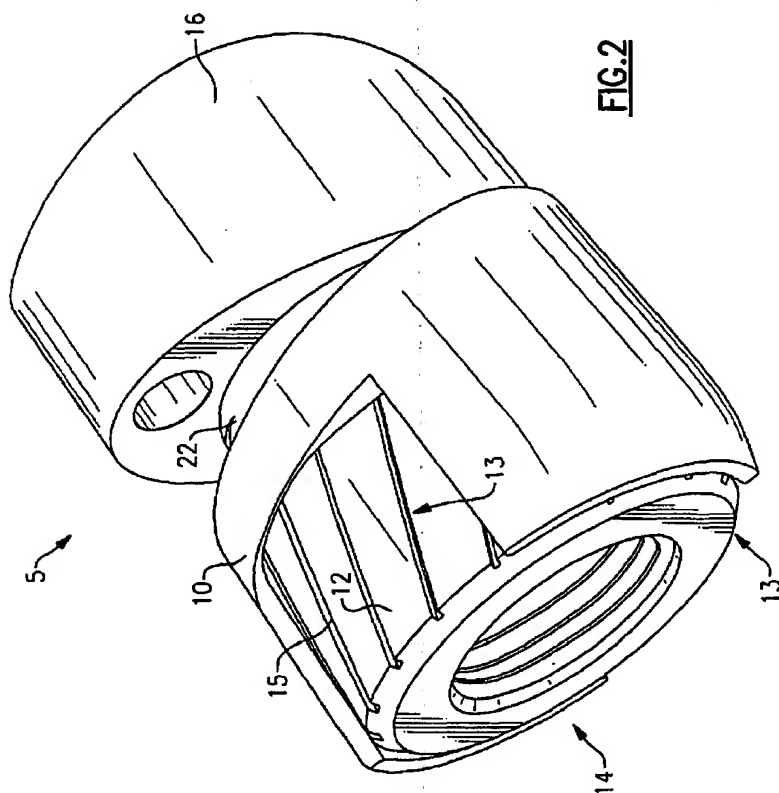
FIG. 1

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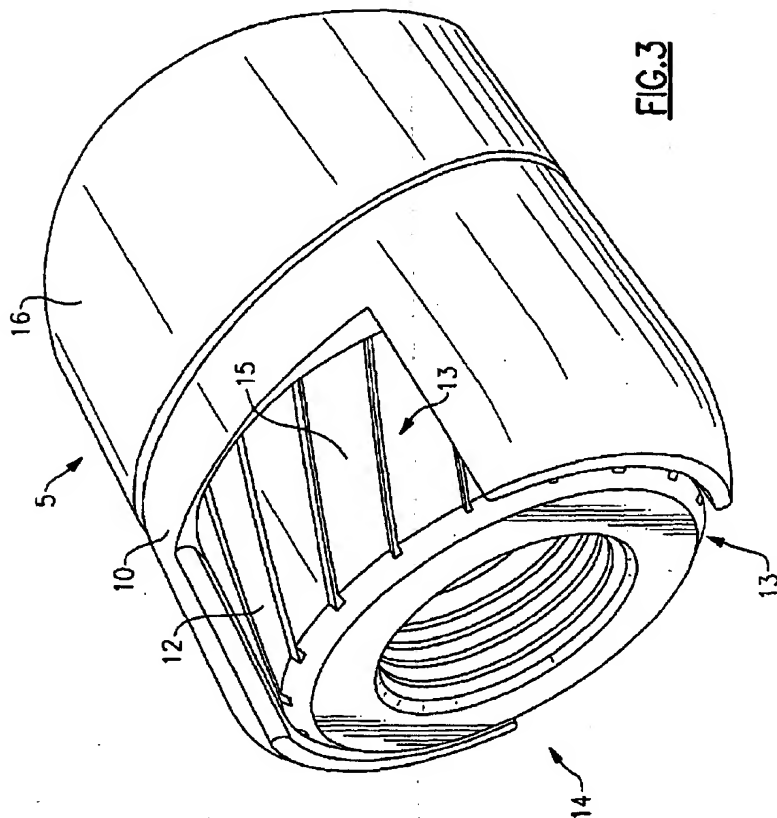


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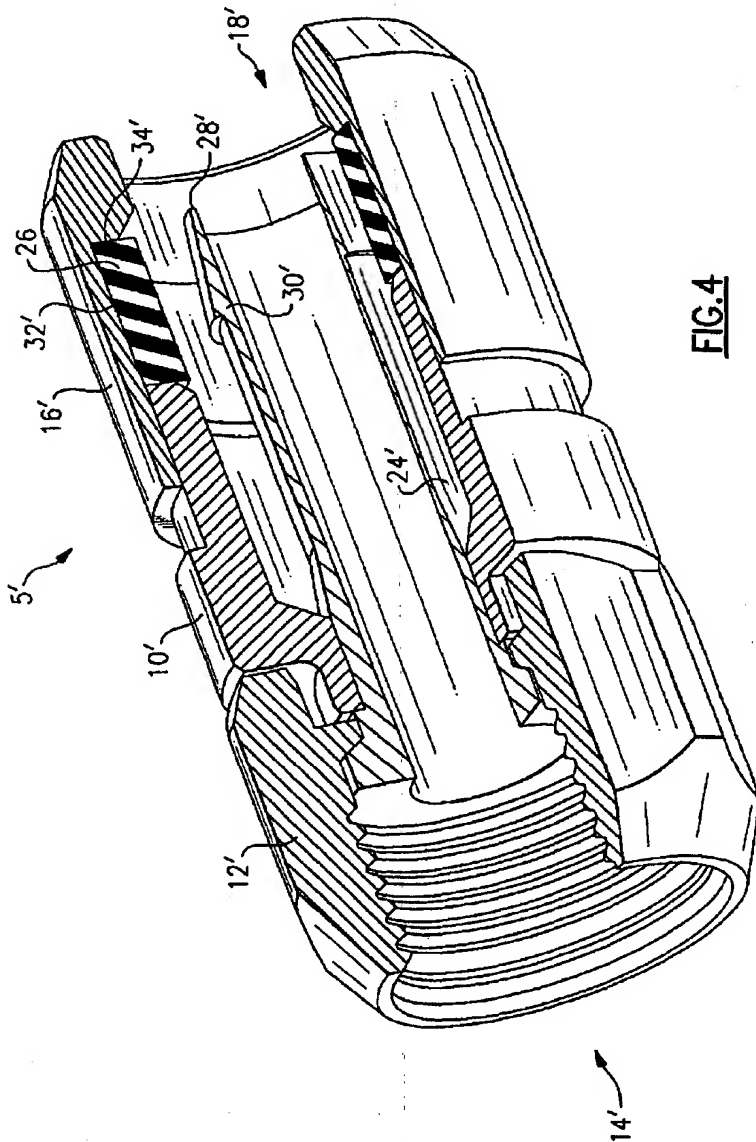


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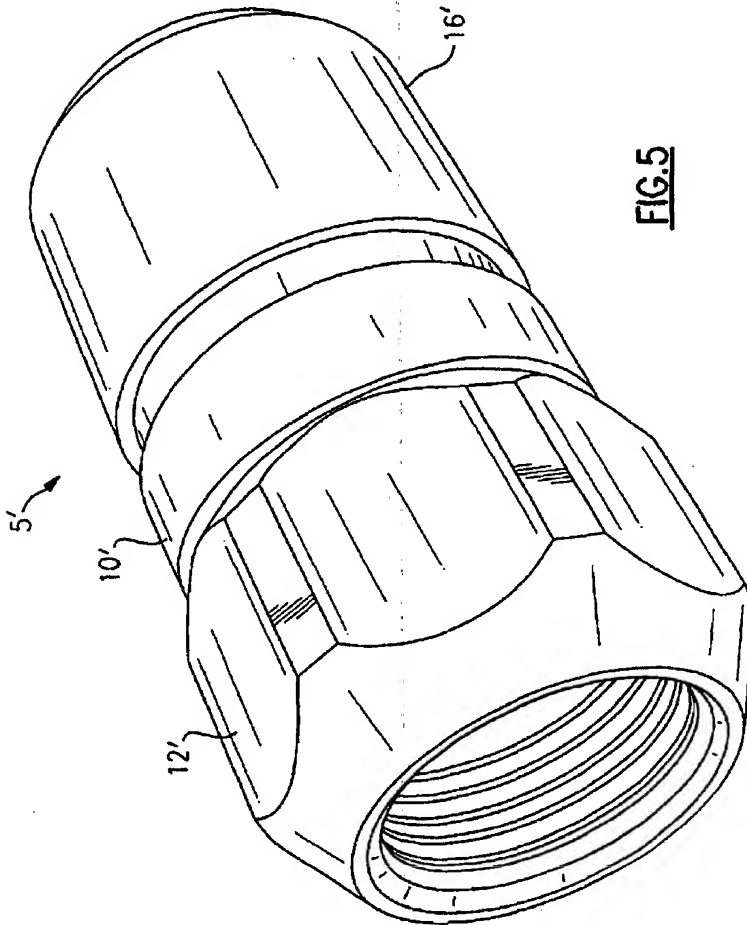


FIG. 5

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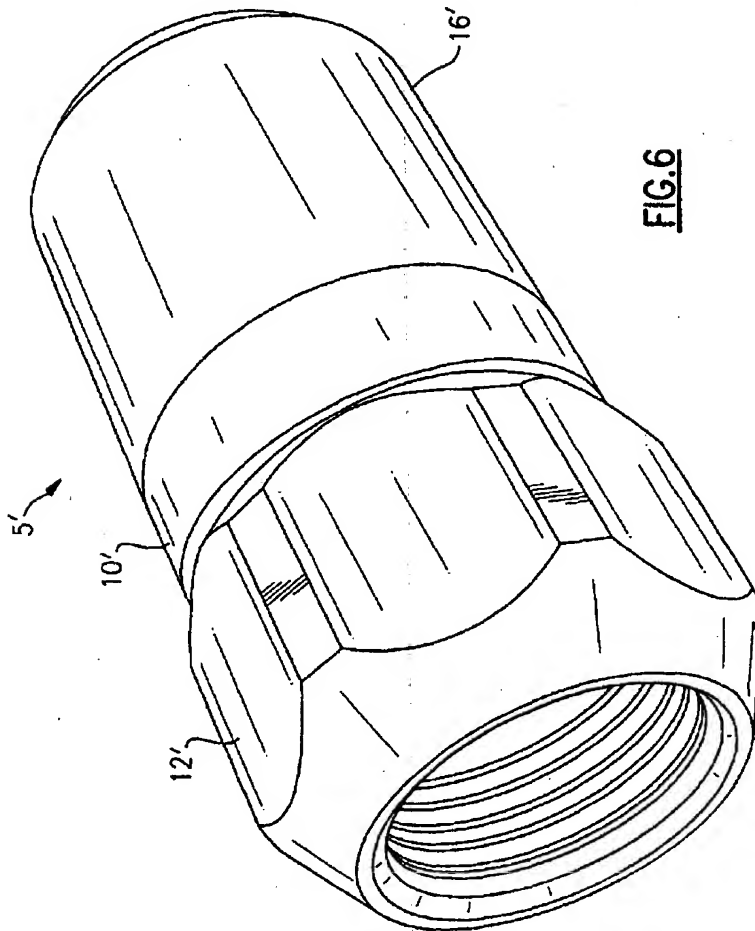


FIG. 6

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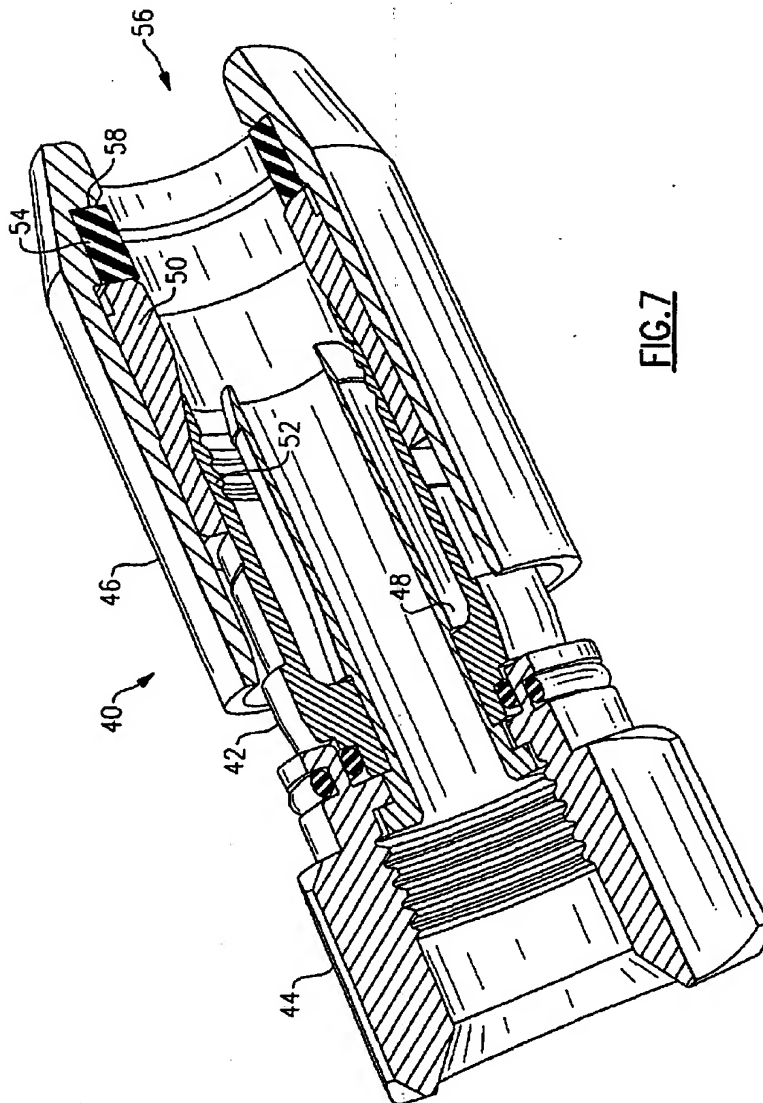


FIG. 7

5. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331, 28 U.S.C. § 1338(a), § 1338(b) and 15 U.S.C. § 1121.

6. PPC further alleges on information and belief, that Pace has sold or contracted for the sale of infringing goods to its customers throughout the world, including customers within the State of Minnesota. These actions by Pace relate to and, in part, give rise to the claims asserted herein by PPC, and have resulted in injury to PPC.

7. Pace is subject to the personal jurisdiction of this Court because, on information and belief, Pace is a Minnesota corporation and has its principal place of business in the State of Minnesota.

8. Pursuant to 28 U.S.C. § 1391(c), Pace is deemed to reside in this judicial district for purposes of venue.

9. Venue is proper in this judicial district pursuant to, at least, 28 U.S.C. § 1391(b), § 1391(c) and 28 U.S.C. § 1400(b).

III. FACTUAL BACKGROUND

10. PPC is an innovator and world leader in telecommunications connector technology.

11. One of PPC's technological innovations is protected by United States Patent No. 7,118,416 ("416 patent") directed to "cable connector with elastomeric band." A true and correct copy of the '416 patent is attached hereto as Exhibit A.

12. The '416 patent issued on October 10, 2006 to inventors Noah Montena and Michael T. Fox.

13. PPC is the owner by assignment of the '416 patent.

14. PPC has not licensed Pace to practice the '416 patent and Pace has no right or authority to license others to practice the '416 patent.

15. PPC is a world leader in telecommunication connector technology. PPC is, and has been, extensively engaged in the business of designing, manufacturing and nationwide

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1 CABLE CONNECTOR WITH ELASTOMERIC BAND

FIELD OF THE INVENTION

This invention relates generally to the field of cable connectors for CATV systems, and more particularly to a cable connector with an elastomeric band which seals the cable connector to a cable.

BACKGROUND OF THE INVENTION

A problem with cable connections exposed to the weather is that the connections are susceptible to moisture entering the connection whenever the cable connector is improperly or inadequately connected to the cable. Many attempts have been made to ensure that cable connections are sealed against moisture etc. from the environment. Many of the attempts require using a connector body made of two or more components in order to contain an adequate seal, thus increasing the complexity of the cable connector.

SUMMARY OF THE INVENTION

Briefly stated, a connector for a coaxial cable includes a connector body and a fastening member for connecting said connector to an object such as an equipment port. A post is fitted at least partially inside the connector body for receiving a prepared end of the cable. A compression member is fitted to a back of the connector body. An elastomeric band is fitted inside a cavity formed at least in part by the compression member. Axial movement of the compression member onto said connector body causes the elastomeric band to seal an outer layer of the cable to the connector to isolate the inside of the connector from environmental influences.

According to an embodiment of the invention, a connector for a coaxial cable includes a connector body; a fastening member for connecting the connector to an object; a post fitted at least partially inside the connector body for receiving a prepared end of the cable; a compression member fitted to the connector body; and an elastomeric band fitted inside a cavity formed at least in part by the compression member; wherein axial movement of the compression member onto the connector body causes the elastomeric band to deform and seal an outer layer of the cable to the connector to isolate an inside of the connector from environmental influences.

According to an embodiment of the invention, a connector for a coaxial cable includes a connector body; first connection means for connecting the connector to an object; and second connection means for connecting a prepared end of the cable to the connector; wherein the second connection means includes an elastomeric band for sealing an outer layer of the cable to the connector to isolate an inside of the connector from environmental influences.

According to an embodiment of the invention, a method of constructing a connector for a coaxial cable includes the steps of providing a connector body; providing a fastening member for fastening the connector body to an object; providing a compression member; fitting an elastomeric band into a cavity formed at least in part by the compression member; inserting a prepared end of the cable through the compression member and the elastomeric band; and fitting the prepared cable end and the compression member to the connector body, wherein axial movement of the compression member onto the connector body causes the elastomeric

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band to deform and seal an outer layer of the cable to the connector to isolate an inside of the connector from environmental influences.

BRIEF DESCRIPTION OF THE DRAWINGS

FIG. 1 shows a partial cutaway perspective view of a connector according to an embodiment of the invention.

FIG. 2 shows a perspective view of an embodiment of the invention, prior to installation, where the connector components are of plastic.

FIG. 3 shows a perspective view of an embodiment of the invention, after installation, where the connector components are of plastic.

FIG. 4 shows a partial cutaway perspective view of an embodiment of the invention where the connector components are of metal.

FIG. 5 shows a perspective view of an embodiment of the invention, prior to installation, where the connector components are of metal.

FIG. 6 shows a perspective view of an embodiment of the invention, after installation, where the connector components are of metal.

FIG. 7 shows a partial cutaway perspective view of an embodiment of the invention.

DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENT

Referring to FIG. 1, a connector 5 includes a connector body 10 with a nut 12 on a front end 14 of body 10. Nut 12 is shown in this embodiment as a nut for connecting connector 5 to an F-port, but the type of connection is not an essential part of the present invention. A compression nut 16 is connected to body 10 at a back end 18 of body 10 via a plurality of threads 20 on compression nut 16 engaging a plurality of threads 22 on body 10. A post 24 is contained within connector 5. An elastomeric band 26 is disposed within a cavity 32 formed in part by a shoulder 34 of compression nut 16. "Band" is used in the sense of a flat strip, i.e., the width is greater than the thickness. (The "length" would be the circumference of the band, with the width being in the radial direction.) An O-ring is not considered a band and would not work as a replacement for the band of the present invention. Connector 5 is intended to be used with a conventional coaxial cable (not shown) which consists of an inner or center conductor surrounded by a dielectric material which in turn is surrounded by a braided ground return sheath. A cable jacket then surrounds the sheath. As a coaxial cable end (not shown) is inserted into back end 18 of connector 5, an end 28 of post 24 fits between the sheath and the dielectric, so that the dielectric and center conductor fit inside post 24, with the sheath and cable jacket between post 24 and connector body 10. In this embodiment, post 24 is of metal with connector body 10, nut 12, and compression nut 16 being of plastic. The electrical ground path thus goes from the cable sheath to post 24 to a ground portion (not shown) of the terminal that connector 5 is screwed into. Post 24 can also be of plastic when not needed to conduct an electrical path.

Post 24 preferably includes a barbed portion 30, and as compression nut 16 is tightened onto body 10, elastomeric band 26 is forced to deform around the cable jacket, resulting in decreased length and increased thickness. In its "open" position, i.e., when compression nut 16 is not tightened onto body 10, band 26 has enough clearance to allow the cable to pass through easily. By tightening com-

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pression nut 16 onto body 10, which applies a compressive force to elastomeric band 26, band 26 is squeezed inward onto the cable, thus creating a weather seal, as well as providing a great deal of normal force between elastomeric band 26 and the cable sheathing, thus providing retention force to the cable/connector combination. In addition to the tractive forces created by surface friction, the coaction of barbed portion 30 under the cable sheathing along with the inward pressure of elastomeric band 26 cause the cable sheath to conform closely to the profile of barbed portion 30, thus creating a mechanical interlock.

This type of connector easily accommodates a broad range of cable diameters within a given cable family because of the flowable nature of elastomeric band 26 which conforms to the surface irregularities of the cable. Elastomers are also "sticky" which enables elastomeric band 26 to create a better seal than otherwise. Types of connectors with which elastomeric band 26 can be used include tool-compressed, standard compression styles, hand tightened styles, etc. In addition, elastomeric band 26 could be added to an existing connector design as a redundant means of sealing.

Because the sealing and gripping are done by a small, contained element of the connector, the exterior of the connector can be made of whatever material suits a particular application. For instance, for outdoor applications the exterior of the connector can be entirely of brass for increased customer appeal, while a hand-tightened all plastic version with only a metal post 24 could easily be injection molded for the indoor consumer market. Outdoor versions of connector 5 can include a brass nut 12, a brass or stainless steel post 24, a brass or die-cast zinc body 10, and a brass or stainless steel compression nut 16.

FIG. 2 shows a plastic version of the embodiment of FIG. 1 prior to installation, while FIG. 3 shows the embodiment of FIG. 2 after the embodiment has been installed on a cable (not shown). In the plastic version, all parts are preferably plastic except for post 24. A pair of reveals 13 permit easy thumb and finger access to a knurled portion 15 of plastic nut 12.

Referring to FIG. 4, another embodiment of the present invention is shown. A connector 5' includes a connector body 10' with a nut 12' on a front end 14' of body 10'. Nut 12' is shown in this embodiment as a nut for connecting connector 5' to an F-port, but the type of connection is not an essential part of the present invention. A compression fitting 16' is connected to body 10' at a back end 18' of body 10' via a sleeve 21 on compression fitting 16' engaging a portion 23 of body 10'. A post 24' is contained within connector 5'. An elastomeric band 26 is disposed within a cavity 32' formed in part by a shoulder 34' of compression fitting 16'. As the coaxial cable end (not shown) is inserted into back end 18' of connector 5', an end 28' of post 24' fits between the cable sheath and the cable dielectric, so that the dielectric and center conductor fit inside post 24', with the sheath and cable jacket between post 24' and connector body 10'.

Post 24' preferably includes a barbed portion 30', and as compression fitting 16' is pushed onto body 10', elastomeric band 26 is forced to deform around the cable jacket, resulting in decreased length and increased thickness. In its "open" position, i.e., when compression fitting 16' is not tightened onto body 10', band 26 has enough clearance to allow the cable to pass through easily. By axial compression, band 26 is squeezed inward onto the cable, thus creating a weather seal, as well as providing a great deal of normal force between elastomeric band 26 and the cable sheathing, thus providing retention force to the cable/connector com-

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bination. In addition to the tractive forces created by surface friction, the coaction of barbed portion 30' under the cable sheathing along with the inward pressure of elastomeric band 26 cause the cable sheath to conform closely to the profile of barbed portion 30', thus creating a mechanical interlock.

FIG. 5 shows an external view of a metal version of FIG. 4 prior to installation, while FIG. 6 shows the embodiment of FIG. 5 after the embodiment has been installed on a cable (not shown). The metal version, intended primarily for outdoor use, can have a brass nut 12', a brass or stainless steel post 24', a brass or diecast zinc body 10', and a brass or stainless steel compression fitting 16'.

Referring to FIG. 7, an embodiment is shown in which the elastomeric band of the present invention is used in addition to the seal already present in a cable connector. A cable connector 40 includes a connector body 42 to which a nut 44 is connected. Nut 44 attaches cable connector 40 to a piece of equipment or another connector. A post 48, extending inside body 42, is connected to both nut 44 and body 42. A driving member 50 overlaps a sealing portion 52 of body 42. A compression member 46 fits over both driving member 50 and a part of body 42. In normal operation, a prepared cable end (not shown) is inserted into connector 40 through a back end 56. When compression member is forced axially towards a front end of connector 40, driving member 50 forces sealing portion 52 radially against the cable, thus providing a seal against the outside environment. In this embodiment, an elastomeric band 54 fitted into a cavity 58 formed within compression member 46 and an end of driving member 50 provides extra sealing against the cable by axial compression. When band 54 is squeezed inward onto the cable, it creates a weather seal, as well as a great deal of normal force between elastomeric band 54 and the cable sheathing, thus providing retention force to the cable/connector combination.

Examples of elastomers include any thermoplastic elastomer (TPE), silicone rubber, or urethane. The key properties are resilience, resistance to creep, resistance to compression set, and the creation of a good grip with the cable jacket. The length of band 26, i.e., in the axial direction of connector 5, can be equal to the length of the cavity in which it is seated. The important consideration is that any pre-compression done to band 26 must not affect insertion of the cable end, i.e., the thickness of elastomeric ring 26 cannot become so large during pre-compression as to impede insertion of the cable end.

While the present invention has been described with reference to a particular preferred embodiment and the accompanying drawings, it will be understood by those skilled in the art that the invention is not limited to the preferred embodiment and that various modifications and the like could be made thereto without departing from the scope of the invention as defined in the following claims.

What is claimed is:

1. A connector for a coaxial cable, comprising:
 - a connector body;
 - a fastening member for connecting said connector to an object;
 - a post including a barbed portion, said post fitted at least partially inside said connector body for receiving a prepared end of said cable;
 - a compression member fitted to said connector body radially outward of the barbed portion of the post; and
 - an elastomeric band fitted inside a cavity formed at least in part by said compression member;

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wherein axial movement of said compression member onto said connector body causes said elastomeric band to deform and seal an outer layer of said cable to said connector to isolate an inside of said connector from environmental influences.

2. A connector according to claim 1, wherein said connector body, said compression member, and said fastening member are of plastic, and said post is of an electrically conductive material.

3. A connector according to claim 1, wherein said connector body, said compression member, said fastening member, and said post are all of metal.

4. A connector for a coaxial cable, comprising: a connector body;

first connection means for connecting said connector to an object; and

second connection means for connecting a prepared end of said cable to said connector;

wherein said second connection means includes a post having a barbed portion, an elastomeric band radially outward of said barbed portion, said band forming a seal against an outer layer of said cable.

5. A connector according to claim 4, wherein said second connection means includes means for axially moving a compression member onto said connector body, and said elastomeric band is fitted inside a cavity formed at least in part by said compression member.

6. A connector according to claim 4, wherein said connector body, said first connection means, and said second connection means are of plastic, and said receiving means is of an electrically conductive material.

7. A connector according to claim 4, wherein said connector body, said first connection means, said second connection means, and said receiving means are all of metal.

8. A method of constructing a connector for a coaxial cable, comprising the steps of:

providing a connector body;

fitting a metal post having a barbed portion at least partially inside said connector body;

providing a fastening member for fastening said connector body to an object;

providing a compression member;

fitting an elastomeric band into a cavity formed at least in part by said compression member;

inserting a prepared end of said cable through said compression member and said elastomeric band; and

fitting said prepared cable end and said compression member to said connector body, wherein axial movement of said compression member onto said connector body causes said elastomeric band to deform and seal against an outer layer of said cable radially outward of the barbed portion of the post.

9. A method according to claim 8, wherein said connector body, said fastening member and said compression member are of plastic.

10. A method according to claim 8, wherein said connector body, said fastening member and said compression member are of metal.

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11. A method according to claim 8, wherein said step of fitting said prepared cable end and said compression member to said connector body includes the step of fitting a ground sheath of said cable between said connector body and a metal post, and fitting a center conductor an dielectric portion of said cable inside said metal post.

12. A coaxial cable connector, comprising:

a connector body having a first end and a second end, said second end including external threads;

a post having a first end, a second end and a barbed portion, said post fitting at least partially within said connector body and said second end of the post adapted for insertion into an end of a coaxial cable;

a fastening member operatively attached to one of said first end of said body or said first end of said post;

a compression member having internal threads complementary to said external threads on the second end of the body; and

an elastomeric band fitted inside a cavity formed at least in part by said compression member and said body;

wherein axial advancement of said compression member onto said connector body causes said elastomeric band to deform and seal against an outer layer of said cable radially outward of the barbed portion of the post.

13. The connector of claim 12 wherein said first end of the body partially covers a portion of said fastener member.

14. The connector of claim 13 wherein the first end of the body at least partially covering said fastener member is adapted to facilitate manual rotation of the body member independently of the rotation of said compression member.

15. The connector of claim 13 wherein the first end of the body defines a plurality of reveals permitting manual manipulation of the fastener member.

16. The connector of claim 12 wherein the nut has a textured surface to facilitate gripping and turning said nut.

17. The connector of claim 12 wherein the compression member further includes a non-cylindrical external surface adapted to facilitate manual rotation of said compression member about said body.

18. The connector of claim 17 wherein the non-cylindrical external surface of the compression member is elliptical in cross-section.

19. The connector of claim 12 wherein the compression member has an internal shoulder.

20. The connector of claim 19 wherein the internal shoulder of the compression member forms part of the cavity for receiving the elastomeric band.

21. The connector of claim 12 wherein said connector body, said compression member, and said fastener member are comprised of plastic, and said post is comprised of an electrically conductive material.

* * * * *

CIVIL COVER SHEET

JS 44 (Rev. 12/07)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

John Mezzalingua Associates, Inc., d/b/a PPC

(b) County of Residence of First Listed Plaintiff Onondaga
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Michael E. Florey, Fish & Richardson P.C., 3200 RBC Plaza, 60
South 6th Street, Minneapolis MN 55402; (612) 335-5070

DEFENDANTS

Pace Electronics, Inc., d/b/a Pace International

County of Residence of First Listed Defendant Olmstead
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business in This State ☐ 1 ☐ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business in Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

<input type="checkbox"/> CONTRACT		<input type="checkbox"/> TORTS		<input type="checkbox"/> FORFEITURE/PENALTIES		<input type="checkbox"/> BANKRUPTCY		<input type="checkbox"/> OTHER STATUTES	
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 861 HIA (1395h)	<input type="checkbox"/> 875 Customer Challenge	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 365 Personal Injury - Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 876 Environmental Matters	<input type="checkbox"/> 901 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 623 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 430 Patent	<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 877 Freedom of Information Act	<input type="checkbox"/> 902 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 440 Trademark	<input type="checkbox"/> 450 Commerce	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 878 Environmental Matters	<input type="checkbox"/> 903 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 460 Deposition	<input type="checkbox"/> 460 Consumer Credit	<input type="checkbox"/> 866 RSI (405(g))	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 879 Environmental Matters	<input type="checkbox"/> 904 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 151 Medicare Act (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations	<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 867 RSI (405(g))	<input type="checkbox"/> 866 RSI (405(g))	<input type="checkbox"/> 880 Environmental Matters	<input type="checkbox"/> 905 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 490 Cable/Sat. TV	<input type="checkbox"/> 490 Consumer Credit	<input type="checkbox"/> 868 RSI (405(g))	<input type="checkbox"/> 867 RSI (405(g))	<input type="checkbox"/> 881 Environmental Matters	<input type="checkbox"/> 906 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 390 Other Personal Property Damage	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 500 Securities/Commodities/Exchange	<input type="checkbox"/> 500 Securities/Commodities/Exchange	<input type="checkbox"/> 869 RSI (405(g))	<input type="checkbox"/> 868 RSI (405(g))	<input type="checkbox"/> 882 Environmental Matters	<input type="checkbox"/> 907 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 400 Other Civil Rights	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 510 Securities/Commodities/Exchange	<input type="checkbox"/> 510 Securities/Commodities/Exchange	<input type="checkbox"/> 870 RSI (405(g))	<input type="checkbox"/> 869 RSI (405(g))	<input type="checkbox"/> 883 Environmental Matters	<input type="checkbox"/> 908 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 411 Voting	<input type="checkbox"/> 412 Employment Accommodations	<input type="checkbox"/> 720 Labor/Mgmt. Relations Act	<input type="checkbox"/> 520 Securities/Commodities/Exchange	<input type="checkbox"/> 520 Securities/Commodities/Exchange	<input type="checkbox"/> 871 RSI (405(g))	<input type="checkbox"/> 870 RSI (405(g))	<input type="checkbox"/> 884 Environmental Matters	<input type="checkbox"/> 909 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 442 Employment Accommodations	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 530 General	<input type="checkbox"/> 530 General	<input type="checkbox"/> 872 RSI (405(g))	<input type="checkbox"/> 871 RSI (405(g))	<input type="checkbox"/> 885 Environmental Matters	<input type="checkbox"/> 910 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 442 Employment Accommodations	<input type="checkbox"/> 443 Housing	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 540 Mandamus & Other	<input type="checkbox"/> 873 RSI (405(g))	<input type="checkbox"/> 872 RSI (405(g))	<input type="checkbox"/> 886 Environmental Matters	<input type="checkbox"/> 911 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 443 Housing	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 750 Other Labor Litigation	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 874 RSI (405(g))	<input type="checkbox"/> 873 RSI (405(g))	<input type="checkbox"/> 887 Environmental Matters	<input type="checkbox"/> 912 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 875 RSI (405(g))	<input type="checkbox"/> 874 RSI (405(g))	<input type="checkbox"/> 888 Environmental Matters	<input type="checkbox"/> 913 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 445 Amer. w/Disabilities - Employment	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 560 Other Civil Rights	<input type="checkbox"/> 560 Other Civil Rights	<input type="checkbox"/> 876 RSI (405(g))	<input type="checkbox"/> 875 RSI (405(g))	<input type="checkbox"/> 889 Environmental Matters	<input type="checkbox"/> 914 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 446 Amer. w/Disabilities - Other	<input type="checkbox"/> 447 Other Civil Rights	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 570 Other Civil Rights	<input type="checkbox"/> 570 Other Civil Rights	<input type="checkbox"/> 877 RSI (405(g))	<input type="checkbox"/> 876 RSI (405(g))	<input type="checkbox"/> 890 Environmental Matters	<input type="checkbox"/> 915 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 447 Other Civil Rights	<input type="checkbox"/> 448 Other Civil Rights	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 580 Other Civil Rights	<input type="checkbox"/> 580 Other Civil Rights	<input type="checkbox"/> 878 RSI (405(g))	<input type="checkbox"/> 877 RSI (405(g))	<input type="checkbox"/> 891 Environmental Matters	<input type="checkbox"/> 916 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 448 Other Civil Rights	<input type="checkbox"/> 449 Other Civil Rights	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 590 Other Civil Rights	<input type="checkbox"/> 590 Other Civil Rights	<input type="checkbox"/> 879 RSI (405(g))	<input type="checkbox"/> 878 RSI (405(g))	<input type="checkbox"/> 892 Environmental Matters	<input type="checkbox"/> 917 Appeal of Fee Determination Under Equal Access to Justice

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

VI. CAUSE OF ACTION

Brief description of cause:
Infringement of U.S. Patent No. 7,118,416

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

1-7-2010

SIGNATURE OF ATTORNEY OF RECORD

Michael S. Florey

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

SCANNED

JAN 6 2010

U.S. DISTRICT COURT MPLS

marketing and distributing of coaxial cable connectors, including those marketed under the "EX" branded series. PPC's EX connectors have been extensively advertised and sold throughout the United States.

16. Prior to Pace's infringing acts, PPC has continuously sold the EX connectors throughout the world.

17. The external appearance, or trade dress, of PPC's EX connectors is unique and distinctive ("EX Connector Trade Dress"). Exhibit B attached hereto includes an image of a PPC EX connector (bottom connector).

18. PPC has invested substantially in efforts to develop recognition and goodwill for its EX Connector Trade Dress among both PPC's direct customers and the consuming public generally. These efforts include, *inter alia*, substantial investment in design, advertising and distribution of products incorporating the EX Connector Trade Dress.

19. Through, *inter alia*, these efforts, the EX Connector Trade Dress has become a valuable asset to PPC, symbolizing its quality products and PPC's good will. Additionally, the EX Connector Trade Dress has become widely known in the minds of the consuming public and in the trade as identifying connectors which originate from PPC.

20. On information and belief, despite its knowledge of PPC's EX Connector Trade Dress, and the rights associated with it, Pace adopted, imitated, and used such trade dress in connection with infringing connectors distributed by Pace, including interstate distribution of Pace's MVP-RG6-U connector. An image of a Pace MVP-RG6-U connector is shown in Exhibit B (top connector).

21. Pace's use of PPC's EX Connector Trade Dress in connection with its own connectors is a false designation of origin, a false representation, wrongfully and falsely designates Pace's products as originating from or connected with PPC, and constitutes utilization of false descriptions and false representations in interstate commerce.

IV. FIRST CAUSE OF ACTION

Infringement of the '416 Patent

22. By this reference PPC realleges and incorporates the foregoing paragraphs as though fully set forth herein.

23. PPC alleges on information and belief that Pace has infringed and continues to infringe the '416 patent by making, using, selling, offering for sale within the United States, or importing into the United States products that embody one or more of the claims of the '416 patent, or by contributing to infringement, inducing others to infringe the '416 patent, or carrying out acts constituting infringement under 35 U.S.C. § 271(f). By way of example and not limitation, one such act of infringement is the importation, manufacture, use, sale and/or offer for sale of Pace's MVP-RG6-U connector.

24. PPC alleges, on information and belief, that unless and until enjoined by this Court, Pace will continue to infringe the '416 patent.

25. The conduct of Pace as set forth above gives rise to a claim for infringement of the '416 patent, pursuant to at least 35 U.S.C. §§ 271 and 281.

26. PPC alleges on information and belief that Pace will continue to infringe the '416 patent subsequent to receiving notice of the initiation of this action despite an objectively high likelihood that its actions constitute infringement, thereby making its actions both willful and deliberate.

27. By reason of the foregoing, PPC is entitled to injunctive and monetary relief against Pace, pursuant to 35 U.S.C. §§ 283, 284, and 285.

V. SECOND CAUSE OF ACTION

Federal Unfair Competition

28. By this reference PPC realleges and incorporates the foregoing paragraphs as though fully set forth herein.

29. Pace's use of PPC's EX Connector Trade Dress in its own products is deceptive and is likely to cause mistake and confusion regarding whether Pace's goods and services originate from PPC, or are sponsored or approved of by PPC.

30. Pace's use of PPC's EX Connector Trade Dress in its products is deceptive and is likely to cause mistake and confusion regarding whether Pace is affiliated, connected or associated with PPC.

31. By reason of at least the foregoing, Pace's use of PPC's EX Connector Trade Dress in its coaxial connectors, including, but not limited to, Pace's MVP-RG6-U connector, gives rise to a cause of action pursuant to Section 43(a)(1)(A) of the Lanham Act, 15 U.S.C. § 1125(a)(1)(A).

32. Upon information and belief, Pace has infringed PPC's EX Connector Trade Dress and other intellectual property rights with the intent to cause confusion and mistake and to deceive both with respect to the origin, sponsorship and approval of its goods and services by PPC, and with respect to whether Pace is affiliated, connected or associated with PPC.

33. Upon information and belief, Pace has infringed PPC's EX Connector Trade Dress and other intellectual property rights with willful and deliberate disregard for the rights of PPC and the consuming public to be free from the deception and likelihood of confusion and mistake to which Pace's conduct gives rise.

34. By reason of Pace's infringement of PPC's EX Connector Trade Dress and other acts of unfair competition, PPC has suffered damages and irreparable harm.

35. By reason of the foregoing, PPC is entitled to monetary and injunctive relief pursuant to Sections 34-36 of the Lanham Act, 15 U.S.C. §§ 1116 - 1118, as more fully set forth below.

36. Pace's acts are in violation of Section 43(a) of the Lanham Act, 15 U.S.C. § 1125(a).

37. Pace's violation has caused, and unless enjoined by this Court will continue to cause, irreparable damage and injury to PPC. By reason of Pace's infringement of PPC's trade

dress and other acts of unfair competition, PPC has suffered damages and irreparable harm. PPC has no adequate remedy at law.

38. By reason of the foregoing, PPC is entitled to monetary and injunctive relief pursuant to at least Sections 34-36 of the Lanham Act, 15 U.S.C. §§ 1116 - 1118, as more fully set forth hereinbelow.

VI. PRAYER FOR RELIEF

WHEREFORE, PPC prays for judgment against Pace as follows:

- A. A judgment finding Pace liable for infringement of the '416 patent;
- B. An Order of this Court pursuant to at least 35 U.S.C. § 283 permanently enjoining Pace, its agents and servants, and any and all parties acting in concert with any of them, from: directly or indirectly infringing in any manner the '416 patent, whether by making, using, selling, offering to sell, or importing into the United States any product falling within the scope of any of the claims of the '416 patent; engaging in acts constituting contributory infringement of any of the claims of the '416 patent; or inducing others to engage in any of the aforementioned acts or otherwise;
- C. An Order of this Court pursuant to at least 35 U.S.C. § 283 directing Pace to destroy its entire stock of infringing products within the United States;
- D. An award of damages to PPC, in an amount to be proven at trial, pursuant to at least 35 U.S.C. § 284;
- E. Trebling of PPC's damages in view of the willful infringement by Pace, and the award of such trebled damages to PPC pursuant to at least 35 U.S.C. § 284;
- F. An award to PPC of prejudgment interest, pursuant to at least 35 U.S.C. § 284;
- G. An award to PPC of its costs in bringing this action, pursuant to at least 35 U.S.C. § 284, and Rule 54(d)(1) of the Federal Rules of Civil Procedure;
- H. That this be declared an exceptional case, and that PPC be awarded its attorneys' fees and expenses, pursuant to at least 35 U.S.C. § 285;
- I. An award of post-judgment interest, pursuant to at least 28 U.S.C. § 1961(a);

J. That this Court enter judgment that Pace has violated Section 43(a) of the Lanham Act and has engaged in common law unfair competition by utilizing PPC's EX Connector Trade Dress and has injured PPC's business and business reputation and good will by utilizing such trade dress.

K. That this Court enter judgment that Pace deliver up for destruction by this Court, or by authorized agents of PPC, all advertising and promotional materials, labels, cartons, brochures, catalogues, business stationary, calling cards, information sheets, posters, signs and any or all other printed or graphic materials of any type, including the plates, molds, or other means for producing the same, which bear or show the trade dress of Pace's Infringing Connectors, or any colorably similar variations or simulations thereof.

L. For a permanent injunction enjoining Pace, its officers, agents, servants, employees and attorneys, and those in active concert or participation with them, and Pace's successors and assigns from:

1. Further advertising, offering for sale, selling or distributing goods or services not originating with PPC and bearing or incorporating the EX Connector Trade Dress or any colorably similar variations or simulations thereof, or that is likely to be mistaken or confused with PPC's EX Connector Trade Dress or is likely to create the erroneous impression that Pace or Pace's products originate with PPC, are endorsed by PPC, are sponsored by PPC, or that Pace and its products and services are in any way connected with those of PPC;

2. Competing unfairly with PPC, as complained of in this Complaint.

M. That Pace be directed to file with this Court and serve on PPC within thirty days after the service of an injunction, a report in writing under oath, setting forth in detail the manner and form in which Pace has complied with the Court-ordered injunctions.

N. That this Court enter judgment that Pace has deliberately and intentionally carried on the activities in violation of Section 43(a) of the Lanham Act and constituting unfair competition complained of herein.

O. That Pace be required to account for and pay to PPC any and all profits derived by Pace, and all damages sustained by PPC, by reason of the activities in violation of Section 43(a) of the Lanham Act and unfair competition complained of in this Complaint, that those amounts be trebled pursuant to 15 U.S.C. § 1117.

P. That PPC have, and recover from Pace, PPC's reasonable attorneys fees pursuant to the provisions of Title 15 U.S.C. § 1117 because of the calculated and deliberate nature of the activities of Pace sought to be enjoined hereby, and additional reasons which makes this an exceptional case warranting such an award.

Q. That Pace be required to pay punitive damages to PPC.

R. That PPC be awarded its costs of this action.

S. For such other and further relief as the Court deems just, proper, and equitable.

VII. DEMAND FOR JURY

PPC demands TRIAL BY JURY of all causes so triable.

DATED: January 7, 2010

Respectfully Submitted,

By Michael S. Florey
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*moving for *pro hac vice* admission

Attorneys for PPC and JOHN Mezzalingua Associates,
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